

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 21805
of Robert C. and Mary K. Crawford
to Appropriate from an Unnamed Stream
in Lake County

Decision D 1257

ADOPTED AUG 31 1966

DECISION APPROVING APPLICATION

Application 21805 of Robert C. and Mary K. Crawford having been filed; protests having been received; a public hearing having been held before the State Water Rights Board on March 18, 1965, conducted by Board Members Kent Silverthorne, Chairman, and Ralph J. McGill; applicants and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered; the Board finds as follows:

1. Application 21805 is for a permit to appropriate 40 acre-feet per annum (afa) by storage from October 1 of each year to June 1 of the succeeding year for irrigation, recreation, and stockwatering purposes from an unnamed stream in Lake County. The point of diversion is to be located within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, T12N, R7W, MDB&M.

2. The unnamed stream rises at an approximate elevation of 1,750 feet and flows in a southwesterly direction

approximately one-half mile to where the applicants propose to construct a dam. The dam will create a reservoir with a capacity of 40 acre-feet, and water will be used to irrigate at least 8 acres of permanent pasture and for recreational, stock-watering, and fish culture purposes. The unnamed stream continues from the damsite approximately 3,000 feet across an alluvial plain to join a larger unnamed stream which flows from the junction in a northwesterly direction approximately 4,000 feet to discharge into Copsey Creek. Copsey Creek enters Cache Creek approximately 1.5 miles upstream from Clear Lake Dam.

3. Protestant Yolo County Flood Control and Water Conservation District (hereinafter referred to as "the District") holds Permits 12848, 12849, and 12850 and claims pre-1914 appropriate rights covering direct diversion of water from Cache Creek and storage at Clear Lake. The District includes all the service area of the protestant Clear Lake Water Company (hereinafter referred to as "the Company") which also claims pre-1914 appropriate rights to divert directly from Cache Creek and store in Clear Lake. The District is negotiating for the purchase of the assets of the Clear Lake Water Company. Water stored in Clear Lake by the Company is released into Cache Creek and diverted into the Company's canal at Capay Dam approximately 70 miles downstream from Clear Lake for use in Yolo County.

4. By court decree in M. M. Gopcevic et al. v. Yolo Water and Power Company et al., Superior Court, Mendocino County, the Company is required to maintain the level of Clear Lake between certain limits to protect the rights of littoral owners. From 1921 through 1964, water surplus to the needs of the Company was released from the lake for the purpose of complying with this decree in 26 years, or 59 per cent of the time. Such water is subject to appropriation by the applicants.

5. In order to protect the prior rights of the Company, the Board has imposed conditions in other permits to appropriate water in the upper Cache Creek watershed, requiring the permittees to release water from their reservoirs when the water in Clear Lake is insufficient to satisfy the prior rights of the protestants. (See Decision D 931.) However, the inclusion of such a term in the permit issued on Application 21805 would not adequately protect the protestants because some of the water that would be released from the applicants' reservoir would be lost by evaporation and percolation into the ground before reaching Clear Lake.

6. To adequately protect the protestants during dry years, the applicants should be required to reimburse the Company for water stored by applicants during such years. At the hearing, the Company offered to sell water to the applicants if its service area could be extended and permission obtained from the Public Utilities Commission (RT 112). Also, the

feasibility studies of the Bureau of Reclamation's proposed West Sacramento Canal Unit of the Central Valley Project contemplate supplying water to the Company's service area in exchange for water to be sold to users in the Upper Clear Lake Basin (Protestant's Exh. 15, page 101), and the Bureau is considering developing water storage projects in the upper Eel and Russian River Basins for export to Clear Lake and Cache Creek which possibly may be purchased directly or on an exchange basis (Protestant's Exh. 16).

From the foregoing findings, the Board concludes that Application 21805 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

ORDER

IT IS HEREBY ORDERED that Application 21805 be, and it is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 40 acre-feet per annum by storage to be collected from about October 1 of each year to about June 1 of the succeeding year.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

2. The maximum quantity herein stated may be reduced in the license if investigation warrants.

3. Actual construction work shall begin on or before June 1, 1967, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1969.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

8. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

9. Water entering the reservoir or collected in the reservoir after the current storage season shall be released into the downstream channel. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the natural stream channel, or provide other means satisfactory to the State Water Rights Board to comply with this paragraph.

10. No diversion shall be made under this permit until the permittee has filed with the Board evidence satisfactory to the Board that he has undertaken to reimburse the Clear Lake Water Company or its successor, either by direct payment of money or exchange of water, for all water diverted under this permit that is not surplus to the needs of the company and that the transaction has been approved by the Public Utilities Commission, if approval is required.

11. The permittee shall provide means satisfactory to the Board for determination of the quantity of water diverted under this permit.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the day of , 1966.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member